

# **EXHIBIT B**

NUMBER OF PAGES: 16

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT

GRAND JURY

SUFFOLK COUNTY

RE: MATTHEW VICKERS

Presented by: CORY FLASHNER, ESQUIRE

Assistant District Attorney

Also Present: LINDA POULOS, ESQUIRE

Assistant District Attorney

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Tuesday, June 12, 2001  
Boston, Massachusetts

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MR. FLASHNER: Ladies and gentlemen my name is  
Cory Flashner and today I'd like to begin an  
investigation into the facts and circumstances  
surrounding an alleged drug trafficking. The date of the  
offense being May 14<sup>th</sup> of this year and the place of the  
offense being in the area of Magnolia Square.

I now call your attention to the first witness.  
(Exhibit Number 1 marked; Certificate of Analysis)

VANCE C. MILLS, SWORN

Q (by Mr. Flashner) Could you kindly introduce yourself to  
the members of the Grand Jury.

A My name is Officer Vance C. Mills.

Q Officer Mills, where do you work?

A Presently employed with the Boston Police Department  
Youth Violence Strike Force.

Q Could you just spell your last name for the record?

A M-I-L-L-S.

Q How long have you been with the Youth Violence Strike  
Force?

A Approximately two and a half years.

Q I want to direct your attention now to May 14<sup>th</sup>, of the  
year 2001. Were you working that evening?

A Yes, I was.

Q Who were you working with?

1 A Officers Dan Brown and Mark Boardly.

2 Q At about 7:23 p.m. what part of the city were you in?

3 A We were in the Dorchester area near Columbia Road and  
4 Uphams Corner.

5 Q At some point did something attract your attention?

6 A Yes. A white motor vehicle in which we stopped prior,  
7 like maybe a week prior to that date with an individual  
8 that came up with a warrant, but we had lost the motor  
9 vehicle in that area.

10 Q When you saw it a week ago you had lost the motor  
11 vehicle?

12 A No, well we stopped the motor vehicle a week ago. Our  
13 computer system was down, and eventually the warrant came  
14 up and it revealed the individual had a warrant after we  
15 had let him go.

16 Q After you let him go?

17 A Yes.

18 Q Sir, when you saw this car again on the fourteenth of May  
19 at about 7:25, 7:23, what did you do?

20 A We noticed the motor vehicle and we tried to catch up  
21 with it, but it was headed in the opposite direction of  
22 us. We basically turned around and tried to catch up  
23 with the motor vehicle.

24 Q When you were trying to catch up with the motor vehicle,

1           what were you doing, how were you driving the car?

2           A     Well, we turned around. We didn't activate our lights  
3                 and sirens at that time. We made a turn down Monadnock  
4                 Street, and basically tried to catch up with the motor  
5                 vehicle. It took a couple of turns and we lost it in the  
6                 area.

7           Q     Now, the car that you were driving, were you driving the  
8                 car?

9           A     Yes, I was.

10          Q     How were you dressed that day?

11          A     Plain clothes, but we wear shirts and jerseys that say  
12                 Boston Police on the back with a badge emblem on the  
13                 front.

14          Q     The car that you were driving do you know what kind of  
15                 car it is?

16          A     It's a Crown Victoria unmarked police vehicle.

17          Q     Does it have lights and sirens on it?

18          A     It is equipped with lights and sirens.

19          Q     Those would be in the grill area?

20          A     Yes.

21          Q     So after you had turned around and tried to find this  
22                 white car what street were you traveling down?

23          A     We were traveling down Monadnock Street. There were two  
24                 cars in front of us. At that point in time we still

1           hadn't seen the white car.

2       Q     At this point in time did you activate your emergency  
3           lights, or your blue siren lights?

4       A     Yes, I did because I figured if the car had taken a right  
5           hand turn off of Monadnock and could of possibly been  
6           going towards the Uphams Corner area.

7       Q     When you activated your blue lights how many cars were in  
8           front of you?

9       A     Two other cars.

10      Q     Can you describe these cars?

11      A     The car that was immediately in front of me I don't  
12           remember what type of car it was because that particular  
13           car pulled out of the way when I activated the lights and  
14           sirens.

15      Q     After that car pulled out of the way was now there just  
16           one car in front of you?

17      A     Now there was just one car and that was a blue Honda  
18           Civic.

19      Q     Did you have your blue lights on as you were driving  
20           behind this blue Honda Civic?

21      A     Yes.

22      Q     What did the blue Honda do?

23      A     It continued down Monadnock Street at about twenty or  
24           thirty miles per hour

1 Q Did the blue Honda pull to the side to allow you to pass?

2 A No, it did not.

3 Q Did you continue to travel down Monadnock Street?

4 A I continued to rev my siren and make a lot of noise right  
5 behind him, the lights and sirens were still going. He  
6 just continued on, and he had room to pull over in  
parking spaces to get out of the way, but he refused to  
8 do so.

9 Q What happened as you continued looking for the white car  
10 now being blocked by this blue Honda?

11 A As we came down the hill on Monadnock Street you could  
12 see Dudley Street at this point. We saw the white car go  
13 by. Again, we hit the sirens and the blue Honda still  
14 neglected to move out of the way. When we got to the  
15 corner of Dudley and Monadnock, I attempted to go around  
16 the blue Honda to the right. He stopped at that  
17 intersection, and then as I tried to go around him, he  
18 pulled out in front of me to the left and made a left  
19 hand turn in front of me.

20 Q All this time you had your lights and sirens on?

21 A Yes, sir.

22 Q Now, what happened next?

23 A We lost sight of the white car again. Again, behind the  
24 blue motor vehicle, the blue Honda Civic. At this point



1 in time we lost interest in the white motor vehicle and  
2 was curious to know why this person wouldn't pull out of  
3 our way.

4 Q Did you continue to follow the blue Honda at this point?

5 A Yeah. The blue Honda took a left hand turn onto Dudley,  
6 went up Dudley and then took a left hand turn onto  
Magnolia Street.

8 Q Now, were there any cars after you turned onto Dudley and  
9 then turned onto Magnolia, were there any cars in between  
10 you and the blue Honda?

11 A No. Not at all.

12 Q Did you still have your sirens activated?

13 A Yes.

14 Q What happened after the car turned onto Magnolia Street?

15 A We notified operations by our two way radios that we were  
16 behind a blue motor vehicle Honda Civic and we gave the  
17 license plate number of the car, and informed operations  
18 that we had a motor vehicle that was refusing to pull  
19 over. We asked for assistance in pulling that motor  
20 vehicle over.

21 Q At any point during that time were you able to make any  
22 observations of the operator?

23 A He was on his cell phone. He was on his cell phone. It  
24 wasn't really up to his ear, but I believe it was a

1 Nextel phone where you could talk to someone directly  
2 thought the Nextel.

3 Q What happened after the car turns onto Magnolia?

4 A He continues up Magnolia still at about twenty to thirty  
5 miles per hour. He makes a right hand turn onto Magnolia  
6 Place which is a dead end street. He exits the motor  
7 vehicle after he stops the car and begins to flee. Starts  
8 running.

9 Q When the operator of the blue Honda stopped the car,  
10 where did he stop it?

11 A Right in the middle of the street.

12 Q How far behind him were you when he exited the car?

13 A We were directly behind him. Not even a half a car  
14 length. I'd say ten feet.

15 Q When the operator fled from the blue Honda what did you  
16 do?

17 A We exited our motor vehicle and chased behind him.

18 Q Who was chasing the operator of the blue Honda at this  
19 point?

20 A Myself, Officer Boardly and Officer Brown.

21 Q Can you describe what happened after he exited the car?

22 A He turned right into -- there's 15 Magnolia Place and  
23 then there's like an empty lot between two houses. He  
24 turned down that empty lot and discarded something out of

1 his hand, tossed something. He didn't even toss it  
2 Actually he just dropped it and continued running.

3 Q How far away were you from him when he dropped this  
4 object?

5 A No more than ten or fifteen feet.

6 Q Were you able to see the object being dropped?

7 A Yes.

8 Q Did the individual who left the blue Honda continue to  
9 run?

10 A Oh, yes he did.

11 Q How far after he dropped the object did he run?

12 A Another I say thirty feet through the lot.

13 Q After thirty feet what happened?

14 A He came upon a fence and realized he wasn't going to get  
15 over the fence before we got to him.

16 Q Once you reached this individual what happened?

17 A We apprehended him and placed him in handcuffs and  
18 Officer Brown then walked back to the same area which we  
19 observed him discard something and found a plastic bag.

20 Q How far was the plastic bag from where you actually  
21 stopped?

22 A Thirty, forty feet maybe.

23 Q Did you later learn the name of this individual that had  
24 been driving the blue Honda?

A Yes His name is Matthew Vickers. Someone that was known to us from prior incidents

Q Is that -- he was the only person in that blue Honda for the entire period of time?

A Yes He was the only one.

Q Now, after Officer Brown recovered something from the ground, again, what was that?

A It was a rock like substance off-white we believed to be crack cocaine. It was two large rocks actually inside of one sandwich bag.

Q Was Mr. Vickers taken into custody at that point?

A Yes, he was.

Q Did you have an opportunity to overhear Mr. Vickers while he was on the phone?

A Yes. When he made his phone call at the booking desk, apparently someone asked him a question over the phone and he said I got caught with 62.

Q Officer Mills, all that you could hear was Mr. Vicker's response I got caught with 62?

A Exactly.

Q Was anything recovered from Mr. Vicker's car?

A The cell phone that we observed him using which was I think a Motorola Nextel cell phone. We also recovered a pager from his person, and approximately \$80.

1 Q Now, the item that was recovered the white rock-like  
2 substance that was recovered from the bag by Officer  
3 Brown what happened to that, was that sent to the  
4 laboratory for analysis?

5 A Yes, it was.

6 Q I'm showing you what's been marked as Grand Jury Exhibit  
7 Number 1. Do you recognize this?

8 A Yes, sir. This is the analysis report.

9 Q What does that report indicate?

10 A It indicates that the substance that we found is cocaine  
11 crack and it was a net weight of 60.58 grams.

12 Q 60.58 grams?

13 A 60.58 grams.

14 Q What kind of certificate of analysis is this? Is it a  
15 preliminary certificate of analysis?

16 A Yes, it is.

17 Q Thank you. Officer Mills at this point in time is there  
18 anything else you wish to add to the grand jury  
19 investigation?

20 A No, sir.

21 MR. FLASHNER: Do any of the Grand jurors have any  
22 questions for this officer?

23 (No response from Jurors)

24 Q Officer Mills, I remind you that you're still under oath.

1 At some point during this investigation did you have an  
2 opportunity to inquire about Mr Matthew Vickers license  
3 status?

4 A Yes, sir.

5 Q What was the status of his license to operate a motor  
6 vehicle?

A Suspended.

8 MR. FLASHNER: Thank you very much. Any questions?

9 (No response from Jurors)

10 MR. FLASHNER: Based on the testimony you heard and  
11 the evidence you received during the course of this  
12 investigation I would ask that you consider the following  
13 charges against Matthew Vickers trafficking in cocaine  
14 with a net weight of more than 28 grams but less than 100  
15 grams, possession of a Class B controlled substance with  
16 the intent to distribute, refusal to submit to a police  
17 officer and operating a motor vehicle with a suspended  
18 license.

19 (Exhibit Number 2 marked; Certified Docket Conviction

20 MR FLASHNER: I'm informed that the grand jury has  
21 returned true bills against Michael Vickers on the  
22 charges of possession with intent to distribute as well  
23 as trafficking of a controlled substance more than 28 and  
24 less than 100 grams.



1 Q Officer Mills, I remind you that you're still under oath?

2 A Yes, sir.

3 Q Do you have any information for this Grand Jury  
4 concerning a like conviction or prior drug conviction for  
Matthew Vickers?

6 A Yes, I do.

Q I'm showing you what's been marked as Grand Jury Exhibit  
8 2, what is that? Is that a certified copy of a  
9 conviction for Matthew Vickers?

10 A Yes, it is.

11 Q Does that indicate that on January 7, 1999 prior to the  
12 commission of the offense which the Grand Jury has heard  
13 testimony about today Mr. Matthew Vickers was convicted  
14 in the Boston Municipal Court?

15 A Yes, it is. Boston Municipal Court.

16 Q The offense that he was convicted of was distribution of  
17 a Class B substance; is that also correct?

18 A That's correct.

19 Q The docket number on that is 9801CR4500?

20 A Correct.

21 MR. FLASHNER: Thank you very much. Any questions  
22 for this officer?

23 (No response from Jurors)

24 MR. FLASHNER: Thank you. Based on the testimony you

have heard and the evidence you have received during the  
course of this investigation I'd ask that you consider  
the following additional charge against Matthew Vickers  
possession of a Class B controlled substance with intent  
to distribute a second offense. Thank you.

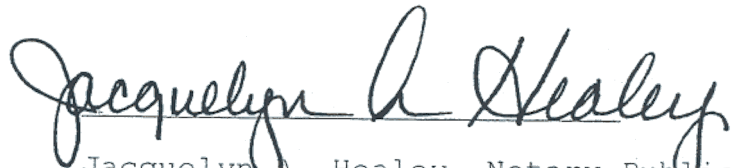
(Whereupon hearing concluded)



C E R T I F I C A T E

I, Jacquelyn A. Healey, a Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing record, Pages 1 to 15 inclusive, is a true and accurate transcript or my System Tapes, to the best of my Knowledge, skill and ability.

In Witness Whereof, I have hereunto set my hand and Notarial Seal this twenty second day of June 2001.

  
Jacquelyn A. Healey, Notary Public

My Commission expires December 6, 2002

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